



U.S. Department
of Transportation
**Federal Transit
Administration**

Headquarters

400 Seventh St. S.W.
Washington, D.C. 20590

June 16, 2003

Paul J. Yesawich, III, Esq.
Harris Beach
99 Garnsey Road
Pittsford, New York 14534

Re: *Kemps Bus Service, Inc. v. Rochester-Genesee Regional Transportation Authority*
Charter Complaint Docket No. 2002-02

Dear Mr. Yesawich:

On January 2, 2003, Federal Transit Administrator Dorn issued a final decision on this charter service complaint. She found that the Rochester-Genesee Regional Transportation Authority (RGRTA) was providing prohibited charter service in three specific cases: Wegman's Grocery Shuttle, Ladies Professional Golf Association Wegman's Rochester International Golf Tournament (LPGA), and Rochester Institute of Technology (RIT) campus service. Since then, RGRTA has consulted with FTA's Office of Chief Counsel in order to bring its service into compliance with that decision and FTA's charter service regulation, 49 CFR Part 604. The following summarizes the measures RGRTA has undertaken.

Wegman's Grocery Shuttle

RGRTA has provided information that Wegman's Grocery has arranged with Medical Motor Service of Rochester and Monroe County, Inc., for the provision of transportation service to persons with disabilities between certain senior citizen complexes and the Wegman's stores. Since this service is restricted, the general public will no longer be served. Since the number of riders on some of the routes exceeds the capacity of Medical Motors, it has subcontracted with Regional Transit Service (RTS) (a subsidiary of RGRTA) to provide service on those routes as authorized by section 604.9(b)(2)(i).

Wegman's International LPGA

RTS has provided copies of published schedules for the LPGA and similar seasonal events. RTS has established public routes for each of the seasonal events. The routes will operate only on the days of the events. RTS has established a fare per rider. As with all other public routes, senior citizens, persons with disabilities, and children (ages 6-11) pay one-half fare, while children age 5 and under ride for free. RTS has posted the schedule on its website. LPGA will not subsidize the

fare this year. If no one else elects to subsidize the fare, each person boarding a bus to ride to the LPGA event will be required to pay the regular fare.

Rochester Institute of Technology

RGRTA has provided FTA with a draft of a subsidy agreement between RTS and RIT (which RIT has indicated it is willing to sign) in which RTS retains control of the service. RGRTA has represented to FTA that standard RTS bus stop signs have been placed throughout the campus. In addition, RTS states that it has placed a number of shelters on the campus of the same design and appearance as shelters on other public routes. There are a number of stops on campus where the public can transfer from routes that travel off-campus to those that operate only on campus, providing connectivity between campus and non-campus service. At this time, the portion of the RTS website where schedules are given contains a link to the portion of the RIT website where the schedule for the intra-campus routes is found. RTS states that it is in the process of integrating all its route schedules on its website.

RTS states that it is no longer contracting directly with any university for the purpose of providing services for its graduation events or special shuttle service to other transportation services around school holidays. RGRTA provided evidence, however, that Kemps Bus Service, Inc., and Golden Memories Transportation have both sought to subcontract certain graduation services to RTS because of a lack of capacity and, in some cases, an inability to provide equipment accessible to persons with disabilities.

Conclusion

Based on the information RGRTA has provided, I conclude that RGRTA, with respect to the service at issue in this case, is now in compliance with FTA's charter service regulation.

Very truly yours,
(Signed)
Gregory B. McBride
Deputy Chief Counsel

cc: John H. Kemp, President
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